

### REMARKS

Claims 1-2, 4-16, 18-22, 24, 31-32, 34, and 36-43 are pending in this application. Claims 12 and 40-43 are cancelled herein without prejudice. Claims 1 and 37-38 are amended herein. Claims 49-51 are added herein. Accordingly, claims 1-2, 4-11, 13-16, 18-22, 24, 31-32, 34, 36-39, and 49-51 are now before the Examiner for examination.

#### Section 112, 2<sup>nd</sup> paragraph Rejections

Claims 1-2, 4-16, 18-22, 24, 31-32, 34, 36, 37-43 are rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph as being indefinite in a number of instances. Applicants deal with the rejections following.

The Office Action objects to the term "solvate" as being indefinite. Applicants have amended the present claims to delete the term "solvate". Consequently, Applicants now believe the rejection is moot and respectfully request it be withdrawn.

In the definition for R<sup>5</sup> the term "5 to 10 membered heterocyclic group" is asserted by the Office Action to be indefinite. Initially, Applicants note that it is well established that the standard for determining whether a term is indefinite is whether one of ordinary skill in the art would understand the scope of the claim when read in light of the specification. Applicants direct the Examiner to page 7, line 9 to page 8, lines 1-2, wherein the term "heterocyclic group" is defined as being --one or more rings which may be saturated, unsaturated, or aromatic and which may independently contain one or more nitrogen, oxygen, or sulfur heteroatoms, where N-oxides and sulfur monoxides and sulfur dioxides are permissible heteroaromatic substitutions in each ring-. Further, numerous examples of suitable heterocyclic groups are listed. Applicants assert that those of ordinary skill in the art would understand the scope of the claim when read in light of the specification. Applicants respectfully assert that the rejection is improper and request it be withdrawn.

In the definition for R<sup>5</sup> the term "carbocyclic group" is also asserted by the Office Action to be indefinite. Again, Applicants note that it is well established that the standard for determining whether a term is indefinite is whether one of ordinary skill in the art would understand the scope of the claim when read in light of the specification. Applicants direct the Examiner to page 8, lines 5-14, wherein the term "carbocyclic group" is defined as being --one or more rings which may be independently saturated, unsaturated, or aromatic and which contain only carbon and hydrogen-. Further,

examples of suitable carbocyclic groups are listed. Applicants assert that those of ordinary skill in the art would understand the scope of the claim when read in light of the specification. Applicants respectfully assert that the rejection is improper and request it be withdrawn.

Claim 12 is cancelled. Applicants now believe the rejection is moot and respectfully request it be withdrawn.

Claims 37 and 38 have been amended as suggested by the Examiner. Applicants now believe the rejection is moot and respectfully request it be withdrawn.

#### **Section 112, 1st paragraph Rejections**

Claims 1-7 and 40-43 are rejected under 35 U.S.C. 112, 1st paragraph as not being enabled. Applicants deal with the rejections following.

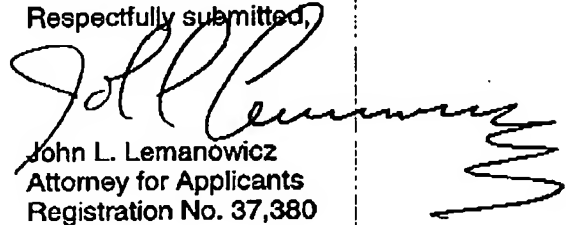
First, claims 1-7 are asserted by the Office Action to not reasonably be enabled for the claimed solvates of a compound of Formula I. Applicants have amended the present claims to delete the term "solvate". Consequently, Applicants now believe the rejection is moot and respectfully request it be withdrawn.

Second, claims 40-43 are asserted by the Office Action to not reasonably be enabled. The claims assert a method for treating a disorder mediated by aberrant protein kinase activity. Claims 40-43 are cancelled. Applicants now believe the rejection is moot and respectfully request it be withdrawn.

### CONCLUSION

The points and concerns of the Examiner having been addressed in full, Applicants respectfully submit that the instant application is in condition for allowance, which action is respectfully requested. Should any issues remain unresolved in this application which would bar issuance the Examiner is invited to contact the undersigned Attorney at (919) 483-8247, to discuss such issues. Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,



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PTO/SB/97 (08-03)

Approved for use through 07/31/2003. OMB 0551-0031

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